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10/722,497	11/28/2003	Chih-Ming Chiang	BHT-3232-5	7673

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,497

Applicant(s)

CHIANG ET AL.

Examiner

Cameron Saadat

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 1-25 are objected to because of the following informalities: The term "internet" should be replaced with --Internet--. Appropriate correction is required.

In addition, regarding claim 15, the antecedent basis for "the trading data" and "the trading history" has not been clearly set forth.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-19, 21-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated
Colaio et al. (USPN 6,939,137; hereinafter Colaio).**

Regarding claim 1, Colaio discloses a learning system for trading financial products, comprising:
a trading device that allows a user at a workstation 103, 113, 123 to enter trading data for trading financial

Art Unit: 3715

products, via the Internet; and a user trading history device 502 that records the user's trading process in the trading device. See Col. 4, lines 57-67; Col. 7, lines 4-13.

Regarding claim 2, Colaio discloses a learning system wherein the user trading history device provides learning effects. Col. 7, lines 4-13.

Regarding claim 3, Colaio discloses a learning system wherein the user trading history device further comprises a trading journal that records the user's entire trading process in the trading device so that the user can review the trading history via the Internet. Col. 7, lines 4-13.

Regarding claim 5, Colaio discloses a learning system wherein the user trading history device further comprises an analyzer for specific targets that analyzes the user's trading process in the trading device. Col. 2, lines 8-14.

Regarding claim 6, Colaio discloses a learning system wherein the user tracks the entire history of specific targets by using the analyzer for specific targets. Col. 7, lines 4-13.

Regarding claim 7, Colaio discloses a learning system wherein the user trading history device further comprise a trading-rules updating device 402 that updates the user's trading rules. Col. 2, lines 21-29; Col. 6, lines 1-8.

Regarding claim 8, The learning system of trading financial products as in claim 7, wherein the user utilizes the trading-rules updating device to open trading rules to fellow users. Col. 2, lines 21-29; Col. 6, lines 1-8.

Regarding claim 9, Colaio discloses a learning system wherein the user utilizes the trading-rules updating device not to open trading rules to fellow users. Col. 2, lines 21-29; Col. 6, lines 1-8.

Regarding claim 10, Colaio discloses a learning system wherein fellow users review the trading-rules updating device 402 on the trading-rules updating device.

Regarding claim 11, Colaio discloses a learning system wherein fellow users adopts the trading-rules updating device on the trading-rules updating device. See Fig. 4.

Regarding claim 12, Colaio discloses a learning system further comprising a data processor that brings updated closing prices onto a user trading history device and calculates the trading profit and loss for the user. Col. 6, lines 46-54.

Regarding claim 13, Colaio discloses a learning system wherein the data processor generates the users' daily trading results having daily transaction price of individual financial products. Col. 5, lines 50-56.

Regarding claim 14, Colaio discloses a learning system further comprising an experience-sharing device that provides fellow users trading history to the user. See Figs. 2-4.

Regarding claim 15, Colaio discloses a learning method of trading financial products, comprising: a user at a workstation that uploads trading data onto a trading device, via the Internet; and wherein the user reviews the trading history provided by a trading journal 502, via the Internet. See Col. 4, lines 57-67; Col. 7, lines 4-13.

Regarding claim 16, Colaio discloses a method wherein a user at the workstation adds trading rules onto a trading-rules updating device, via the Internet. Col. 6, lines 1-8.

Regarding claim 17, Colaio discloses a method wherein a user at the workstation opens trading rules to fellow users. Col. 6, lines 1-8; Figs. 2-3.

Regarding claim 18, Colaio discloses a method wherein fellow users at a second workstation accesses and adopts trading rules of the user. Col. 6, lines 1-8.

Regarding claim 19, Colaio discloses a method wherein the user at the workstation chooses not to open trading rules to fellow users. Col. 2, lines 21-29; Col. 6, lines 1-8.

Regarding claim 21, Colaio discloses a method further comprising the steps of providing a data processor of a learning system of trading financial products that brings updated closing prices onto a user trading history device and calculates the trading profit and loss for the user. Col. 6, lines 46-54.

Regarding claim 22, Colaio discloses a method wherein the user at the workstation tracks the entire trading records of specific targets provided by an analyzer for specific targets, via the Internet. Col. 7, lines 4-13.

Regarding claim 23, Colaio discloses a method wherein another user at a second workstation accesses the user trading history device and an experience-sharing device, thereby receiving learning effects. See Figs. 2-4.

Regarding claim 25, Colaio discloses a method wherein the user at the workstation continues to trade on the trading device. Col. 4, lines 57-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colaio et al. (USPN 6,939,137; hereinafter Colaio).

Regarding claims 4 and 24, Colaio discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of utilizing the trading device to bring the account to a closing position and clear the inventory. However, it is the examiner's position that it is old and well known for a trader to sell all items in a portfolio. Thus, it would have been obvious to simulate a scenario wherein a trader sells all inventory in order to cash out gains or losses.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colaio et al. (USPN 6,939,137; hereinafter Colaio) in view of Kane (USPN 6,317,728).

Regarding claim 20, Colaio discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of netting transactions against transaction taxes. However, Kane teaches a securities and commodities trading system that records relevant tax data with respect to trades (Col. 11, lines 11-15). Thus, in view of Kane, it would have been obvious to an artisan to modify the simulated trading system described in Colaio, by recording relevant tax data with respect to trades, in order to provide a realistic simulation of a transaction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Art Unit: 3715

- Klein et al. (USPN 6,709,330) – disclose a stock simulation engine for an options trading game.
- Keiser et al. (USPN 6,505,174) – disclose a virtual trading system.
- Koskinen (USPN 6,062,862) – discloses a financial training system.
- Hauk et al. (US patent application publication 2003/0126068) – disclose a virtual trading floor system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cameron Saadat
March 30, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER